

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:

SCOTTY JOE WINN,

BANKRUPTCY

CASE NO.: 8:16-bk-02192-MGW

Debtor.

CHAPTER 7

**MOTION OF LARRY S. HYMAN AS CHAPTER 7 TRUSTEE OF THE ESTATE
OF SCOTTY JOE WINN FOR ORDER APPROVING COMPROMISE AND
SETTLEMENT OF CONTROVERSY AS TO SCOTTY JOE WINN REGARDING ABC
FINANCIAL SERVICES, INC. (ADVERSARY PROCEEDING 8:16-ap-00669-MGW)**

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at 801 N. Florida Ave., Suite 555, Tampa, Florida 33602, and serve a copy on the movant's attorney, Thomas A. Lash, Esq., Lash Wilcox & Grace PL, 4950 W. Kennedy Blvd., Suite 320, Tampa, FL 33609, and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

COMES NOW Plaintiff Larry S. Hyman ("Trustee"), as Chapter 7 Trustee of the bankruptcy estate of Scotty Joe Winn ("Winn") by and through the undersigned law firm, pursuant to F.R.B.P. 9019 and moves this Honorable Court for entry of an order approving compromise and settlement of the controversies between Trustee and Adversary Proceeding

8:16-ap-00669-MGW Defendant, ABC Financial Services, Inc. (“Defendant”), and in support of the relief requested states:

1. On March 15, 2016, Winn filed a petition for relief under Chapter 7 of Title 11, of the United States Code and Trustee was appointed by this Court. This Chapter 7 is currently pending before this Court.

2. On October 4, 2016, Trustee filed a Complaint for Unlawful Debt Collection Practices commencing Adversary Proceeding No.: 8:16-ap-00669-MGW in the United States Bankruptcy Court for the Middle District of Florida (collectively the “Adversary Proceedings”), against the Defendant.

3. The issues to be resolved in the Adversary Proceedings create uncertainty as to the outcome at the trial on the merits. When coupled with the complexities of the litigation, and the expense, inconvenience and delay associated with continued litigation, it is fair and equitable and in the Trustee’s and Defendant’s best interests to settle these matters.

4. Further, it appears the sums to be received in settlement of these Adversary Proceedings exceeds the amounts that Trustee and its creditors would be able to obtain, net of collection costs, in the event a judgment was obtained against Defendant as the result of a favorable outcome at final evidentiary hearings.

5. Therefore, Trustee and Defendant have reached an agreement to compromise and settle all disputes between them as to the matters alleged in the Adversary Proceedings or otherwise existing. The Settlement Agreement is available for inspection at the offices of counsel for Trustee; Lash Wilcox & Grace PL, and copies may be obtained by written request during the response and objection period.

THE SETTLEMENT AGREEMENT

6. Trustee requests that this Court approve the Compromise and Settlement set forth in the Settlement Agreement.

7. The principle terms of the Settlement Agreement are that Defendant shall pay to Trustee the total sum of Three Thousand and 00/100 Dollars (\$3,000.00) paid in one installment (the "Settlement Funds"). As provided for by 15 U.S.C. § 1692 and Fla. Stat § 559.77(2), Plaintiff's attorneys' fees will be paid from the Defendant provided Settlement Funds of \$3,000.00, with One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) to the estate and One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) for attorneys' fees and costs. Approval of the Court will first be obtained.

8. With payment of the Settlement Funds by Defendant made as provided in the Settlement Agreement, the Adversary Proceedings will be dismissed with prejudice as to the Defendant, releases will be exchanged, and each party will agree to pay their own attorneys' fees and costs, with the exception of Plaintiff's fees paid by Defendant from the Settlement Funds set forth above, as required by statute and set forth below.

9. The Settlement Agreement is contingent on approval by this Court.

WHEREFORE, Trustee respectfully requests that this Court enter an Order: (i) granting the Motion in its entirety as to Trustee and Defendant, and finding that Trustee provided good and sufficient notice of this motion; (ii) finding that the Settlement Agreement is fair and equitable and in the best interest of Trustee and the creditor; (iii) approving the Settlement Agreement in all respects; (iv) authorizing Trustee to enter into the Settlement Agreement in order to, among other things, compromise and settle the claims and controversies as outlined herein and in accordance with the specific terms and conditions of the Settlement Agreement as

to Defendant; and (v) granting such other and further relief as this Court deems necessary or appropriate.

Dated: September 29, 2017

Respectfully submitted,

LASH WILCOX & GRACE PL
4950 W. Kennedy Blvd., Suite 320
Tampa, FL 33609
Telephone: 813.289.3200
Facsimile: 813.289.3250

/s/ Thomas A. Lash
THOMAS A. LASH, ESQ.
Florida Bar No.: 849944
e-mail: tlash@lashandwilcox.com
Attorney for the Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 29, 2017, I presented the foregoing *Motion of Larry S. Hyman, as Chapter 7 Trustee of the Estate of Scotty Joe Winn for Order Approving Compromise and Settlement of Controversy as to Scotty Joe Winn Regarding ABC Financial Services, Inc. (Adversary Proceeding 8:16-ap-00669-MGW)* to the Clerk of the United States Bankruptcy Court for the Middle District of Florida, Tampa Division, and uploading in the CM/ECF system. I further certify that a true and correct copy of the foregoing document has been served this 28th day of September, 2017 to: U.S. Trustee, 501 E. Polk St., Ste. 1200, Tampa, FL 33602; Larry S. Hyman, PO Box 18625, Tampa, FL 33679; Scotty Joe Winn, 27400 Soult Rd., Brooksville, FL 34602-5429; David Thorpe, Esq., The Thorpe Law Firm PA, 7819 N. Dale Mabry Hwy, Suite 108, Tampa, FL 33614; ABC Financial Services, Inc., an Arkansas corporation, c/o Danielle M. Whitehouse, Esq., Gill Ragon Owen, P.A., 425 West Capitol Avenue, Suite 3800, Little Rock, Arkansas 72201; and all creditors on the matrix attached hereto.

/s/ Thomas A. Lash
Attorney

Label Matrix for local noticing
113A-8
Case 8:16-bk-02192-MGW
Middle District of Florida
Tampa
Fri Sep 29 09:40:46 EDT 2017

Scotty Joe Winn
27400 Soult Rd
Brooksville, FL 34602-5429

ABC Autos Inc
6112 N Florida Ave
Tampa, FL 33604-6695

ABC Financial Services, Inc.
c/o Danielle M.
425 West Capitol Avenue, Suite 3800
Little Rock, Arkansas 72201-3443

American InfoSource LP as agent for
Verizon
PO Box 248838
Oklahoma City, OK 73124-8838

Any Time Fitness
19340 Cortez Blvd.
Brooksville, FL 34601-3041

Badcock Corporation
P.O. Box 724
Mulberry, FL 33860-0724

Bright House Networks
Attn: Bankruptcy
P.O. Box 31710
Tampa, FL 33631-3710

Brooksville Regional
P.O. Box 281440
Atlanta, GA 30384-1440

Commonwealth Financial
Systems
Attn: Bankruptcy
245 Main Street
Dickson City, PA 18519-1641

Credit Collection Services
P.O. Box 773
Needham Heights, MA 02494-0918

Dish Network
Attn: Bankruptcy Dept.
P.O. Box 6633
Englewood, CO 80155-6633

Dubious Motor
110 East Broad Street
Groveland, FL 34736-4002

FC Emergency Physicians
17240 Cortez Blvd
Brooksville, FL 34601-8921

Florida Cardiology
15004 Cortez Blvd.
Brooksville, FL 34613-6068

Ford Motor Credit Co
P.O. Box 6508
Mesa, AZ 85216-6508

Ford Motor Credit Company LLC
c/o Solomon, Vigh, P.A.
P.O. Box 3275
Tampa, FL 33601-3275

(p) FORD MOTOR CREDIT COMPANY
P O BOX 62180
COLORADO SPRINGS CO 80962-2180

Laura Hypes
27400 Soult Rd
Brooksville, FL 34602-5429

Marcadis Singer, P.A.
5104 S. Westshore Blvd.
Tampa, FL 33611-5650

Verizon Florida Inc
500 Technology Drive
Suite 550
Weldon Spring, MO 63304-2225

West Coast Pathology
of Florida, PA
14000 Fivay Rd
Hudson, FL 34667-7103

Larry S. Hyman +
PO Box 18625
Tampa, FL 33679-8625

United States Trustee - TPA7/13 +
Timberlake Annex, Suite 1200
501 E Polk Street
Tampa, FL 33602-3949

David Thorpe +
The Thorpe Law Firm PA
7819 N Dale Mabry Hwy
Suite 108
Tampa, FL 33614-3210

Thomas A Lash, Attorney for Trustee +
Lash, Wilcox & Grace PL
4950 W. Kennedy Blvd., Suite 320
Tampa, FL 33609-1830

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Ford Motor Credit Corp
P.O. Box 6275
Dearborn, MI 48121-6275

End of Label Matrix	
Mailable recipients	25
Bypassed recipients	0
Total	25